

ASSEMBLY BILL

No. 158

Introduced by Assembly Member Runner

January 22, 2003

An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as introduced, Runner. Methamphetamine: precursor: iodine.

Existing law provides that any person who, with intent to manufacture methamphetamine, possesses hydriodic acid is guilty of a felony and shall be punished by imprisonment in the state prison for 2, 4, or 6 years. Existing law provides that the possession of essential chemicals sufficient to manufacture hydriodic acid, with intent to manufacture methamphetamine, shall be deemed to be possession of hydriodic acid.

This bill would specify iodine and tincture of iodine as within the class of essential chemicals sufficient to manufacture hydriotic acid.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11383 of the Health and Safety Code is
2 amended to read:
3 11383. (a) Any person who possesses both methylamine and
4 phenyl-2-propanone (phenylacetone) at the same time with the
5 intent to manufacture methamphetamine, or who possesses both

1 ethylamine and phenyl-2-propanone (phenylacetone) at the same
2 time with the intent to manufacture N-ethylamphetamine, is guilty
3 of a felony and shall be punished by imprisonment in the state
4 prison for two, four, or six years.

5 (b) Any person who possesses at the same time any of the
6 following combinations, or a combination product thereof, with
7 intent to manufacture phencyclidine (PCP) or any of its analogs
8 specified in paragraph (22) of subdivision (d) of Section 11054 or
9 paragraph (3) of subdivision (e) of Section 11055 is guilty of a
10 felony and shall be punished by imprisonment in the state prison
11 for two, four, or six years:

12 (1) Piperidine and cyclohexanone.

13 (2) Pyrrolidine and cyclohexanone.

14 (3) Morpholine and cyclohexanone.

15 (c) (1) Any person who, with intent to manufacture
16 methamphetamine or any of its analogs specified in subdivision
17 (d) of Section 11055, possesses ephedrine or pseudoephedrine, or
18 any salts, isomers, or salts of isomers of ephedrine or
19 pseudoephedrine, or who possesses a substance containing
20 ephedrine or pseudoephedrine, or any salts, isomers, or salts of
21 isomers of ephedrine or pseudoephedrine, or who possesses at the
22 same time any of the following, or a combination product thereof,
23 is guilty of a felony and shall be punished by imprisonment in the
24 state prison for two, four, or six years:

25 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,
26 N-methylephedrine, N-ethylephedrine,
27 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
28 phenylpropanolamine, plus hydriodic acid.

29 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,
30 N-methylephedrine, N-ethylephedrine,
31 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
32 phenylpropanolamine, thionyl chloride and hydrogen gas.

33 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
34 N-methylephedrine, N-ethylephedrine,
35 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
36 phenylpropanolamine, plus phosphorus pentachloride and
37 hydrogen gas.

38 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,
39 N-methylephedrine, N-ethylephedrine,
40 N-methylpseudoephedrine, N-ethylpseudoephedrine,

1 chloroephedrine and chloropseudoephedrine, or
2 phenylpropanolamine, plus any “reducing” agent.

3 (2) Any person who, with intent to manufacture
4 methamphetamine or any of its analogs specified in subdivision
5 (d) of Section 11055, possesses hydriodic acid or any product
6 containing hydriodic acid is guilty of a felony and shall be
7 punished by imprisonment in the state prison for two, four, or six
8 years.

9 (d) For purposes of this section, “reducing” means a chemical
10 reaction in which hydrogen combines with another substance or in
11 which oxygen is removed from a substance.

12 (e) For purposes of this section, possession of the optical,
13 positional, or geometric isomer of any of the compounds listed in
14 this section shall be deemed to be possession of the derivative
15 substance.

16 (f) For purposes of this section, possession of immediate
17 precursors sufficient for the manufacture of methylamine,
18 ethylamine, phenyl-2-propanone, piperidine, cyclohexanone,
19 pyrrolidine, morpholine, ephedrine, pseudoephedrine,
20 norpseudoephedrine, N-methylephedrine, N-ethylephedrine,
21 phenylpropanolamine, hydriodic acid, thionyl chloride, or
22 phosphorus pentachloride shall be deemed to be possession of the
23 derivative substance. Additionally, possession of essential
24 chemicals, *including, but not limited to, iodine or tincture of*
25 *iodine*, sufficient to manufacture hydriodic acid, with intent to
26 manufacture methamphetamine, shall be deemed to be possession
27 of hydriodic acid. Additionally, possession of any compound or
28 mixture containing piperidine, cyclohexanone, pyrrolidine, or
29 morpholine ephedrine, pseudoephedrine, norpseudoephedrine,
30 N-methylephedrine, N-ethylephedrine, phenylpropanolamine,
31 hydriodic acid, thionyl chloride, or phosphorus pentachloride
32 shall be deemed to be possession of the substance.

33 (g) Subdivisions (a), (b), (c), (e), and (f) do not apply to drug
34 manufacturers licensed by this state or persons authorized by
35 regulation of the Board of Pharmacy to possess those substances
36 or combinations of substances.